

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JEROME ANDERSON,)
)
Plaintiff,)
)
v.) 1:10CV553
)
A.K. PRUITT and SUSAN HORAN,)
)
Defendants.)

ORDER

On February 22, 2013, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Plaintiff filed objections [Doc. #42] and Defendants filed a Response [Doc. #43]. The Court has reviewed the Objections and Response *de novo* and finds they do not change the substance of the United States Magistrate Judge's Recommendation [Doc. #40], which is affirmed and adopted. To the extent Plaintiff in his objections now cites to North Carolina Rule of Civil Procedure 41(b), that rule would not be implicated since the Order and Judgment dismissing Plaintiff's prior suit (1:08CV246) did not purport to alter the statute of limitations or otherwise specify that a new action based on the same claim could be instituted within a year.

IT IS THEREFORE ORDERED that Plaintiff's Rule 60(b)(6) Motion is denied.

This the 25th of March, 2013.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge